

### **Remarks**

The Notice of Allowability mailed July 17, 2007, in conjunction with the Notice of Allowance, contains an error in the listing of allowed claims. The listing of allowed claims reads “89, 92-101 104107...” The correct listing of allowed claims should read “89, 92, 101, 104, 107...). Claims 93-100 have been previously canceled.

Applicant has also received an Examiner Interview Summary Record, mailed July 16, 2007, in conjunction with the Notice of Allowance. Page 1 of the Interview Summary shows an interview date of July 4, 2007. However, no interview, telephonic or otherwise, was conducted with Applicant’s representative, Lori Cuomo on that date. Page 3 of the Interview Summary goes on to show another interview date of April 24, 2007. Applicant advised the Examiner that two terminal disclaimers were being filed to overcome the obviousness type double patenting rejections. Applicant also advised the Examiner that the claims rejected under 35 U.S.C. 103 were being canceled. However, Applicant in no way advised the Examiner that “[A]pplicant is not pursuing the interference at this time.” Applicant maintains the request to provoke an interference with unexpired U.S. Patent No. 6,531,537 to Friel et al.

The Examiner is thanked for the courteous telephonic interview extended on August 6, 2007 at which time the Notice of Allowance and the Examiner Interview Summary Record mailed July 16, 2007 was discussed. The Examiner will send out a corrected Examiner Interview Summary Record and Notice of Allowability.

A Notice of Allowance has been received in the above-identified application but the issue fee has not, as yet, been paid. Therefore, entry of this response is hereby requested.

If any fees, including extension of time fees or additional claims fees, are due as a result of this response, please charge Deposit Account No. 19-0513. This authorization is intended to act as a constructive petition for an extension of time, should an extension of time be needed as a result of this response. The examiner is invited to telephone the undersigned if this would in any way advance the prosecution of this case.

Respectfully submitted,

Date: August 7, 2007

By: Lori F. Cuomo

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